

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

D.L. THOMAS,

Plaintiff,

Civil No. 3:10-cv-229-BR

ORDER TO DISMISS

v.

STATE OF OREGON, OREGON
DEPT. OF JUSTICE, OREGON
JUDICIAL DEPARTMENT; OREGON
CHIEF JUSTICE PAUL DEMUNIZ,
OREGON APPEALS COURT COMM.
JAMES NASS, JUDGE JEAN KERR
MAURER, JUDGE RICHARD BALDWIN,
JUDGE ALICIA FUCHS, Sr. Asst.
AG DIRK PIERSON, Asst. AG
KATHERINE VON TER STEGGE,
Asst. AG ELIZABETH BRODEEN,
MS CHRISTINE CAPPO, OREGON
COMM. ON JUDICIAL FITNESS AND
DISABILITY, CITY OF BEAVERTON,
OREGON, OREGON DMV, OREGON
CIRCUIT COURT OF COLUMBIA
AND MARION COUNTIES and
DOES 1-50,

Defendants.

BROWN, Judge.

Plaintiff brings this civil rights action pursuant to 42 U.S.C. § 1983 *pro se*. On April 9, 2010, this Court issued an Order dismissing Plaintiff's original Complaint pursuant to 28 U.S.C. § 1915(e)(2). Because Plaintiff is proceeding *pro se*, the Order advised Plaintiff of the deficiencies of his Complaint and granted him leave to file an Amended Complaint curing those deficiencies.

Currently before the Court is Plaintiff's Amended Complaint. Plaintiff's Amended Complaint fails to cure the deficiencies noted in the Order dismissing his Complaint. Specifically, Plaintiff erroneously continues to seek damages against Defendants who are immune from action, he erroneously continues to challenge the outcome of his state civil actions, and he erroneously continues to pursue claims duplicative to those already dismissed in an earlier action in this Court.

Accordingly, IT IS ORDERED that Plaintiff's Amended Complaint is dismissed for failing to state a claim upon which relief may be granted and for erroneously seeking monetary relief against Defendants who are immune from action. See 28 U.S.C. § 1915(e)(2). Because it is absolutely clear that the deficiencies of the Amended Complaint cannot be cured by amendment, the

dismissal is with prejudice. Karim-Panahi, 839 F.2d at 623; Lopez v. Smith, 203 F.3d 1122, 1130-31 (9th Cir. 2000).

The Court also notes that Plaintiff has sent numerous e-mail messages to the Court's Courtroom Deputy seeking, among other things, a meeting with this judicial officer. Such a meeting would be an inappropriate *ex parte* contact. In any event, because this action is dismissed with prejudice, there is not any reason for the Court to meet with Plaintiff and the other parties. Accordingly, the Court directs Plaintiff to cease his e-mail contacts with this Court and in particular, with the Courtroom Deputy. If the Plaintiff, nevertheless, continues to send e-mail messages to the Court or Courtroom Deputy, the Court will request the United States Marshal to investigate and to determine whether further action should be taken to ensure that Plaintiff stops sending e-mail messages to this Court and, in particular, to the Courtroom Deputy.

CONCLUSION

Based on the foregoing, IT IS ORDERED that Plaintiff's Amended Complaint is **DISMISSED WITH PREJUDICE**.

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It is also **ORDERED** that Plaintiff cease sending e-mail messages to this Court and, in particular, to the Court's Courtroom Deputy.

IT IS SO ORDERED.

DATED this 8th day of September, 2010.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge